

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
December 9, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, Jonathan Okray

Absent: Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms McDaniels.

Councilmember Harris gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion seconded by Councilmember Gilmore. The motion carried unanimously.*

### **Presentation**

**PR-14-004** Bell County Child Safety Check

Bell County Judge Jon Burrows, County Commissioner Tim Brown, and Bell County Tax Assessor Collector Sharon Long were present to present to the Council a check for \$152,309.95 for Child Safety Registration fees collected this year.

### **Consent Agenda**

**CA-14-157** Consider minutes of November 25, 2014 Regular City Council meeting.  
No changes.

**CA-14-158** Consider a memorandum/resolution authorizing the closure of certain city streets for The Army Marathon.

**Staff comments:** Kathy Davis

Organizers of the marathon have requested street closures for the 3<sup>rd</sup> marathon to be held in March 2015. The Killeen Police Department has reviewed the street/lane closures and is in agreement with the closures as presented.

**CA-14-159** Consider a memorandum/resolution authorizing the City Manager to execute a landscape maintenance agreement with the Texas Department of Transportation.

**Staff comments:** Scott Osburn

By entering into a landscape maintenance agreement with TxDOT, the City accepts responsibility for the maintenance of all landscape elements within the

limits of the right of way including all median and island areas, but excluding paved areas intended for vehicular travel. This is at the Rosewood/190 project. Staff recommends that the City enter into the landscape maintenance agreement with the Texas Department of Transportation, and that the City Manager be authorized to execute any and all change orders within the amounts set by state and local law.

- CA-14-160** Consider a memorandum/resolution authorizing Change Order No. 27 to the US 190/FM 2410/Rosewood Drive Pass-through Financing project contract with James Construction Group, LLC.

**Staff comments:** Scott Osburn

Change Order No. 27 will increase, decrease, and delete work items from the City's US 190/FM 2410/Rosewood Drive PTF project that are duplicated in an adjacent Texas Department of Transportation (TxDOT) US 190 project currently being constructed by a different contractor. City staff recommends that the City Council authorize the City Manager to execute Change Order No. 27 with James Construction Group, LLC decreasing the cost of the contract by \$376,886.37.

- CA-14-161** Consider a memorandum/resolution authorizing the procurement of sewer line maintenance equipment through the TASB and H-GAC purchasing cooperatives.

**Staff comments:** Scott Osburn

Funding for this equipment is available in the amount of \$769,149 through the Water and Sewer fund. City staff recommends that City Council authorize the purchase of the stated equipment, utilizing the Buy Board for the camera truck and the H-GAC for the vacuum truck with jetter and the jetter truck. City staff also recommends that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

- CA-14-162** Consider a memorandum/resolution updating the Purchasing Policy for the City of Killeen.

**Staff comments:** Stu McLennan

City Council approval for updated purchasing policy is not required but an effort to keep the Council informed.

Staff recommends that the city council approve the updated Purchasing Policy dated October 2014.

- CA-14-163** Consider a memorandum/resolution authorizing Request for Applications (RFA) 15-01 for a depository services contract with BBVA Compass of Killeen.

**Staff comments:** Martie Simpson

Fifteen (15) banking institutions received the request for application.

Applications were received from four (4) qualified banks showing interest in serving as the City's depository bank. City Staff recommends that the City Manager be authorized to execute a bank depository services contract with BBVA Compass of Killeen, Texas, for a two- year initial contract term with the option to renew for three (3) additional one-year terms.

**CA-14-164** Consider a memorandum/resolution accepting the 2014 Community Oriented Policing Services (COPS) Hiring Program Grant.

**Staff comments:** Police Chief Baldwin

Chief Baldwin explained the requirements of the city's portion of the grant.

The COPS Hiring Program grant monies will be used to supplement officers' salaries and benefits during the grant period, September 1, 2014, through August 31, 2017. Staff recommends that the City Council authorize (electronic signature) the City Manager to accept of the 2014 Community Oriented Policing Service Hiring Program Grant and to grant the Killeen Police Department the authority to allocate and administer the duties required by the grant.

*Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 157 through 164, as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

### **Public Hearings / Ordinances**

**PH-14-069A** HOLD a public hearing and consider an ordinance amending the FY 2014-2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenues and expenses in various General Fund accounts for the Community Oriented Policing Services (COPS) Hiring Program Grant.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2014-2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND COPS GRANT REVENUE ACCOUNT BY \$234,508 AND VARIOUS GENERAL FUND POLICE DEPARTMENT OPERATING EXPENDITURE ACCOUNTS BY \$234,508; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Martie Simpson

Staff recommends that the City Council approve this ordinance amending the FY 2014-2015 City of Killeen General Fund budget.

Mayor Cosper opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Gilmore to approve PH-069A as presented. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

**PH-14-069B** Consider an ordinance to amend the number of authorized civil service positions for the Police Department.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS UPDATING THE NUMBER OF POLICE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY**

**WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021(a); PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Eva Bark

The Human Resources Department is requesting changes to the current police staffing with acceptance of the COPS Hiring Program Grant by adding 12 positions. Staff recommends the adoption of the proposed ordinance to add 12 entry-level, full-time police officer positions as outlined in the COPS Hiring Program Grant.

*Motion was made by Councilmember Rivera to approve PH-069B as presented. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

**PH-14-070** HOLD a public hearing and consider an ordinance amending the FY 2014-15 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing various General Fund, Aviation Fund, Solid Waste Fund, Water and Sewer Fund, Drainage Utility Fund, and Hotel Occupancy Tax Fund accounts to assist in the funding of various city projects.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2014-2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING VARIOUS GENERAL FUND ACCOUNTS BY \$462,088; INCREASING VARIOUS AVIATION FUNDS ACCOUNTS BY \$14,528; INCREASING VARIOUS SOLID WASTE FUND ACCOUNTS BY \$1,205; INCREASING VARIOUS WATER AND SEWER FUND ACCOUNTS BY \$428,559; INCREASING VARIOUS DRAINAGE UTILITY FUND ACCOUNTS BY \$288,585; INCREASING VARIOUS HOTEL OCCUPANCY TAX FUND ACCOUNTS BY \$40,180; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Martie Simpson

In an effort to streamline the end-of-year accounting processes, the Finance and Purchasing staffs managed the end-of-year encumbrance process differently in FY 2014. Due to some changes in process, a small number of purchase orders were identified that need to be carried into FY 2015. Staff recommends that the City Council approve this ordinance amending the FY 2014-2015 Municipal Operating budget by \$1,235,145 across the above identified funds.

Mayor Cosper opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Clark to approve PH-070 as presented. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

- PH-14-071** HOLD a public hearing and consider an ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services of the City of Killeen to authorize the carry forward of FY 2014 funds to the FY 2015 budget and amending various capital improvement project funds.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING VARIOUS GENERAL FUND ACCOUNTS BY \$1,620,553; INCREASING VARIOUS AVIATION FUNDS ACCOUNTS BY \$950,752; INCREASING VARIOUS SOLID WASTE FUND ACCOUNTS BY \$272,365; INCREASING VARIOUS WATER AND SEWER FUND ACCOUNTS BY \$783,501; INCREASING VARIOUS DRAINAGE UTILITY FUND ACCOUNTS BY \$406,554; INCREASING VARIOUS SPECIAL REVENUE FUNDS ACCOUNTS BY \$728,466; INCREASING VARIOUS CAPITAL PROJECT FUNDS ACCOUNTS BY \$20,257,970; TO AUTHORIZE THE CARRY FORWARD OF FY 2014 FUNDS TO THE FY 2015 BUDGET ; AND AMEND VARIOUS CAPITAL IMPROVEMENT PROJECT FUNDS ; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE**

**Staff comments:** Martie Simpson

At the close of the fiscal year ending on September 30, 2014, there were a number of outstanding contracts and commitments for supplies and/or services that had not been completed or received by the City. Staff recommends that the City Council approve the attached ordinance amending the Annual Budget and Plan of Municipal Services for the 2015 fiscal year to re-appropriate encumbered funds from fiscal year ending September 30, 2014.

Mayor Cosper opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-071 as presented. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

- PH-14-072** HOLD a public hearing and consider an ordinance requested by Glad Tidings Pentecostal Church of God (Case #Z14-32) to rezone part of Lot 1, Block 11, Willowbend Estates, from “R-3” (Multifamily Residential District) to “B-3” (Local Business District). The property is locally known as 1704 N. 38th Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-3 (MULTIFAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Mary Stout, on behalf of Glad Tidings Pentecostal Church of God, is requesting a change of zoning from "R-3" (Multifamily Residential District) to "B-3" (Local Business District) for Lot 1, Block 11, Willowbend Estates, to allow a commercial food concessions trailer. The staff notified twenty-one (21) surrounding property owners within a 200 feet notification boundary regarding this request. Three responses were received, two in opposition. The Planning and Zoning Commission, by a vote of 6 to 0, recommended approval of the applicant's zoning request for a 50' X 50' area located approximately 150' north of the intersection of N. 38<sup>th</sup> Street and Lake Road, along the east right-of-way of N. 38th Street (as illustrated on the attached exhibit).

Mayor Cosper opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-072 as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

**PH-14-073** HOLD a public hearing and consider an ordinance requested by the 440 Light Company (Case #Z14-33) to rezone part of Lot 1, Block 1, Melton Addition, 2nd Extension, from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District). The property is addressed as 701 W. Elms Road, Suite 200, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT TO B-3A (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

This request is to rezone part of Lot 1, Block 1, Melton Addition, 2<sup>nd</sup> Extension, from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District) to allow for package store sales. The staff notified three (3) surrounding properties within a 200' notification boundary of the applicant's zoning request. The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2. There are no existing churches, public/private schools or public/private hospitals within 300' of the subject site.

Mayor Cosper opened the public hearing.

James Gaffney, 205 Pin Oak Dr. – spoke in favor of request.  
With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-073 as presented. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

- PH-14-074** HOLD a public hearing and consider an ordinance requested by the 440 Light Company (Case #Z14-34) to rezone part of Lot 1, Block 1, Melton Addition, 2nd Extension, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 701 W. Elms Road, Suite 330, Killeen, Texas. (Requires a 3/4 Majority Vote)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT TO B-C-1 (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

This request is to rezone part of Lot 1, Block 1, Melton Addition, 2<sup>nd</sup> Extension, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) to allow for a bar. The staff notified sixty-seven (67) surrounding properties within a 1,000 foot notification boundary of the subject site. Staff has received forty-two (42) responses in opposition to this request. Staff has confirmed four (4) property owners from those in opposition and has received three (3) responses of support. The Planning and Zoning Commission voted 4 to 2 in opposition to the applicant's "B-C-1" zoning request. There are no existing churches, public/private schools or public/private hospitals within 300 feet of the subject site.

Mayor Cosper opened the public hearing.

Kenneth Maynard, 798 Deer Park Rd. – spoke in favor of request.

James Gaffney, 205 Pin Oak Dr. – spoke in favor of request.

Jannel Gossier, 3806 Wyaspark court – spoke in opposition of request. Doesn't feel like this is something the neighborhood needs at this time, will not add to quality of neighborhood. Already businesses there selling alcohol and entertainment. Requested business find a different location.

Juk Cha Pak, 3806 Y.S. Pak Court – spoke in opposition of request (citizen stated she does not speak English well).

With no one else appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-074 as presented. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

- PH-14-075** HOLD a public hearing and consider an ordinance requested by Clement P. and Frankie L. McClurkan (Case #Z14-37) to rezone 1.70 acres from "B-3" (Local Business District) to "NBD" (Neighborhood Business District), being part of the James D. Alcorn Survey, Abstract No. 25. The property is addressed as 7432 East Trimmier Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO NBD (NEIGHBORHOOD BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

Staff notified 22 surrounding property owners within the 200' notification area. Staff has received no protests. The intent for rezoning is to accommodate a church and low volume businesses. The Planning and Zoning Commission recommended approval of "NBD" (Neighborhood Business District) by a vote of 6 to 0.

Mayor Cospo opened the public hearing.

Jim Wright, 3800 WS Young – explained the chain of events that lead from B-3 to agreeing to NBD.

Marcia Ovalle-Epps, 5511 Encino Oak Way – spoke as a representative of other residents.

They welcome the proposed church and are agreeable to the NBD zoning.

Tracy Gallaway, Weeping Oak Dr. – spoke in favor of the request.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Clark to approve PH-075 rezoning from B-3 to NBD as requested. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

## **Ordinances / Resolutions**

**OR-14-040** Consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen; amending Chapter 31, Article V, Division 8, Planned Unit Development Regulations.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING CHAPTER 31, ARTICLE V, DIVISION 8, PLANNED UNIT DEVELOPMENT REGULATIONS, BY REVISING THE REQUIREMENTS THEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

This ordinance simplifies the drainage requirements associated with submission of the PUD concept plan as well as provides clarity regarding common open space and the maintenance responsibility for common open space amenities.

The Planning and Zoning Commission recommends that the City Council approve the proposed amendments to the Planned Unit Development regulations.

*Motion was made by Councilmember Okray to approve OR-040 as presented. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

**OR-14-041** Consider an ordinance to authorize updating Texas Municipal Retirement System (TMRS) service credits.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF KILLEEN; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS**

**Staff comments:** Eva Bark

One of the provisions of TMRS is that member cities may adopt an Update of Service Credits (USC). The contribution for FY 2014-2015, as stated in this ordinance, was calculated using the assumptions provided by TMRS to calculate contribution rates. The recommendation is that the proposed ordinance to update TMRS Service Credits be adopted, to be effective January 1, 2015.

*Motion was made by Councilmember Clark to approve OR-041 as presented. Motion was seconded by Mayor Pro-Tem Blackstone. Motion carried unanimously.*

**OR-14-042** Consider an ordinance requested by Clement P. and Frankie L. McClurkan (Case #Z14-31) to rezone 4.37 acres from "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District), being part of the James D. Alcorn Survey, Abstract No. 25. The property is addressed as 7432 East Trimmier Road, Killeen, Texas. (Tabled from November 25, 2014 Regular City Council Meeting - Requires 3/4 Majority Vote for Approval)

The City Secretary read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM AR-1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The property owners are requesting a change of zoning from "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) for approximately 4.37 acres for future commercial development fronting East Trimmier Road. Staff notified 22 surrounding property owners within the 200' notification area. Staff has included protests from numerous individuals who are

opposed to the "B-3" zoning request. The protests amount to 36% of the owners of the area of those lots within two hundred (200) feet on the subject site; this will require a favorable vote of three-fourths (3/4) of all the members of the City Council. The Planning and Zoning Commission recommended approval of Neighborhood Business District ("NBD") for the subject 4.37 acres by a vote of 7 to 0. The applicant is amenable to the "NBD" recommendation.

*Motion was made by Councilmember Clark to approve OR-042 as presented. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Gilmore, and unanimously approved, the meeting was adjourned at 6:16 p.m.

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Scott Cospers, Mayor

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Dianna Barker, City Secretary